



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,483	11/05/2003	Akio Aoyama	NEC03P166-RIa	7753

21254 7590 04/06/2007
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER

CASCA, FRED A

ART UNIT	PAPER NUMBER
----------	--------------

2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/700,483

Applicant(s)

AOYAMA, AKIO

Examiner

Fred A. Casca

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☒ Claim(s) 1-55 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/05/03</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections –35 U.S.C. 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-55 are rejected under 35 U.S.C. 102(e) as being anticipated by Guo et al (US 6982949 B2).

Referring to claim 1, Guo discloses a method of collecting information used for adjustments with

an information collecting server in a radio communication system connected to at least one mobile radio terminal for performing user communications (figure 2, and abstract, “handoff”, “cell boundary”, note handoff takes place in a cellular network and it involves collecting information used for adjustments of signal strength), comprising the steps of in said mobile radio terminal, monitoring a communication status of user communication and detecting as a trigger when said communication status has satisfied a predetermined condition (abstract, figures 2-10, and col. 1, lines 40-52, col. 3, lines 58-67, “minimum operating signal strength threshold. Improved wireless network cell boundary detection enables vertical handoffs”, note that the network continuously monitors a mobile station’s signal strength and the detecting of a trigger

Art Unit: 2617

refers to the movement of the mobile device away from its current cell or crossing the cell boundary); acquiring a reception status of a radio signal when said trigger is detected, acquiring the position of said mobile radio terminal (abstract, figures 2-10, and col. 1, lines 40-52, col. 3, lines 58-67); and sending measured information including said reception status and said position to said information collecting server; and in said information collecting server, recording said measured information received from said mobile radio terminal (abstract, figures 2-10, and col. 1, lines 40-52, col. 3, lines 58-67, note that in a handoff process involves sending measured information including reception status and position information to a server; and the server recording measured information received from mobile radio terminal).

Referring to claim 2, Guo discloses a method according to claim 1, wherein said predetermined condition comprises the occurrence of a forced disconnection of the user communication (abstract, figures 2-10, and col. 1, lines 40-52, col. 3, lines 58-67).

Referring to claim 3, Guo discloses a method according to claim 1, wherein said predetermined condition comprises the occurrence of a handover failure (abstract, figures 2-10, and col. 1, lines 40-52, col. 3, lines 58-67).

Referring to claim 4, Guo discloses a method according to claim 1, wherein said predetermined condition comprises the lowering of a throughput of said user communication below a predetermined threshold value (abstract, figures 2-10, and

col. 1, lines 40-52, col. 3, lines 58-67, col. 16, lines 3-39).

Referring to claim 5, Guo discloses a method according to claim 1, wherein said predetermined condition comprises a call which is made (abstract, figures 2-10, and col. 1, lines 40-52, col. 3, lines 58-67, note that the handoff inherently takes place when a call is in progress, otherwise the process would be a cell selection).

Referring to claim 6, Guo discloses a method according to claim 1, further comprising the steps of in said information collecting server, sending value information indicative of a value to be given for said measured information which is provided, to said mobile radio terminal when said measured information is received; and in said mobile radio terminal, displaying the value indicated by said value information when said value information is received (abstract, figures 2-10, and col. 1, lines 40-52, col. 3, lines 58-67, note that sending value information, monitoring signals and manipulating these signal are processes involved in the handoff procedure).

Referring to claim 7, Guo discloses a method according to claim 1, wherein said radio communication system comprises a CDMA radio communication system (col. 1, lines 54-67, col. 2, lines 25-45, "CDMA").

Referring to claims 8, 9, 10 and 11, claim 8, 9, 10 and 11 define a method reciting features analogous to the features of the method of claims 1, 2, 6 and 7

Art Unit: 2617

respectively (as rejected above). Thus, Guo discloses all elements of claims 8-11 (please see the rejection of claims 1, 2, 6 and 7 above).

Referring to claims 12-19, claims 12-19 define a method reciting features analogous to the features of the method of claims 1-7 respectively (as rejected above). Thus, Guo discloses all elements of claims 12-19 (please see the rejection of claims 1-7 above).

Referring to claims 20-26, claims 20-26 define a system reciting features analogous to the features of the method of claims 1-7 respectively (as rejected above). Thus, Guo discloses all elements of claims 20-26 (please see the rejection of claims 1-7 above).

Referring to claims 27-30, claims 27-30 define a system reciting features analogous to the features of the method of claims 1, 4, 6 and 7 respectively (as rejected above). Thus, Guo discloses all elements of claims 27-30 (please see the rejection of claims 1-7 above).

Referring to claims 31-35 and 36-37, claims 31-35 and 36-37 define a system reciting features analogous to the features of the method of claims 1-7 respectively (as rejected above). Thus, Guo discloses all elements of claims 31-35 and 36-37 (please see the rejection of claims 1-7 above).

Referring to claims 39-45, claims 39-45 define a system reciting features analogous to the features of the method of claims 1-7 respectively (as rejected above). Thus, Guo discloses all elements of claims 39-45 (please see the rejection of claims 1-7 above).

Art Unit: 2617

Referring to claims 46-48, claims 46-48 define a method reciting features analogous to the features of the method of claims 1, 6 and 7 respectively (as rejected above). Thus, Guo discloses all elements of claims 46-48 (please see the rejection of claims 1, 6 and 7 above).

Referring to claims 49-55, claims 49-55 define a radio mobile terminal reciting features analogous to the features of the method of claims 1-7 respectively (as rejected above). Thus, Guo discloses all elements of claims 49-55 (please see the rejection of claims 1-7 above).

Referring to claim 36, Guo discloses a system according to claim 31, wherein said information collecting server sends said trigger information simultaneously to the at least one mobile radio terminal based on a load status on a radio circuit (figures 2-10, and col. 1, lines 40-52, col. 3, lines 58-67, note that a MSC (information collecting server) inherently sends trigger information (RSSI) to at least one mobile terminal when the load of current base station that the mobile terminal is connected is heavy).


Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred A. Casca whose telephone number is (571) 272-7918. The examiner can normally be reached on Monday through Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid, can be reached at (571) 272-7922. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


LESTER G. KINCAID
SUPERVISORY PRIMARY EXAMINER